

THE HONORABLE BARBARA J.
ROTHSTEIN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WALKER & KRAUS, D.D.S., P.L.L.C.,
individually and on behalf of all others
similarly situated,

Plaintiff,

v.

CITIZENS INSURANCE COMPANY OF
AMERICA,

Defendant.

No.: 2:21-cv-00345-BJR

STIPULATED MOTION TO
CONSOLIDATE AND ORDER TO
CONSOLIDATE

Plaintiff Walker & Kraus, D.D.S., P.L.L.C., individually and on behalf of all others
similarly situated, and Defendant Citizens Insurance Company of America (together with
Plaintiff, the “Parties”), through their undersigned counsel, submit this stipulated motion to
consolidate this action, for pending pretrial motions only, with the matter of *Carlos O.*
Caballero, DDS, MS, PS v. Massachusetts Bay Insurance Company, No. 3:20-cv-05437-BJR,
including adoption of the pending briefing on the Rule 12 Motions Against Plaintiff’s First
Amended Complaint and the Motion to Certify Questions filed in that action.

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1 The Parties state as follows:

2 WHEREAS, Massachusetts Bay Insurance Company (“Massachusetts Bay”) and Citizens
3 Insurance Company of America (“Citizens”) are separate insurance companies and both owned
4 indirectly by The Hanover Insurance Group, Inc.

5 WHEREAS, on January 15, 2021, Massachusetts Bay filed Rule 12 Motions Against
6 Plaintiff’s First Amended Complaint in the *Caballero* matter (ECF No. 56);

7 WHEREAS, the plaintiff in the *Caballero* matter filed a Motion to Certify Questions to the
8 Washington State Supreme Court on February 18, 2021 (ECF No. 65);

9 WHEREAS, Massachusetts Bay’s Rule 12 Motions were fully briefed as of March 5, 2021;

10 WHEREAS, on March 12, 2021, the Walker & Krause Plaintiff filed this new putative
11 Class Action Complaint (the “*Walker* Class Complaint”) (Dkt. No. 1) against Citizens Insurance
12 Company of America;

13 WHEREAS, on March 25, 2021, Massachusetts Bay joined in the filing of an omnibus
14 opposition to the Motion to Certify Questions (ECF No. 76);

15 WHEREAS, the *Walker & Kraus* Plaintiff is represented by the same counsel that
16 represents Caballero and Defendant Citizens is represented by the same counsel that represents
17 Massachusetts Bay in the *Caballero* matter;

18 WHEREAS, the Parties believe that consolidation of this action with the *Caballero* matter,
19 for purposes only of the pending Rule 12 Motions and Motion to Certify Questions filed in that
20 action, would aid in the efficient administration of justice;

21 NOW, THEREFORE, the Parties move the Court to consolidate this action, for purposes
22 of the pending Rule 12 Motions and Motion to Certify only, with the *Caballero* matter, including
23 adoption of the pending briefing on the Rule 12 Motions and the Motion to Certify Questions filed
24 in that action. For purposes of the pending Rule 12 Motions and Motion to Certify Questions in
25 *Caballero*, the claims set forth in the *Walker & Kraus* putative Class Complaint should be treated
26 as if they had been asserted in the *Caballero* putative Class Complaint. Upon consolidation, the

1 Parties agree that Court's ruling on the pending Rule 12 Motions and the Motion to Certify
2 Questions in the *Caballero* matter may be entered in the *Walker & Krause* action.

ORDER

Having reviewed the parties' stipulation, and finding that good cause exists for the requested relief, the Court hereby **GRANTS** the stipulation.

IT IS ORDERED that this matter is consolidated with *Carlos O. Caballero, DDS, MS, PS v. Massachusetts Bay Insurance Company*, No. 3:20-cv-05437-BJR, for the limited purpose of the pending Rule 12 Motions and the pending Motion to Certify Questions filed in that action, including adoption of the pending briefing on both motions. For purposes of the pending Rule 12 Motions and the Motion to Certify Questions in the *Caballero* matter, the claims set forth in this action will be treated as if they had been asserted in the *Caballero* putative class action complaint. The Parties in this action agree that the rulings of the Court on the pending Rule 12 Motions and the Motion to Certify Questions filed in the *Caballero* matter may be entered in this matter.

The Clerk of the Court is hereby notified of this limited consolidation.

DATED this 23rd day of April, 2021.



Barbara J. Rothstein
UNITED STATES DISTRICT JUDGE